HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: - Hon'ble Shri S.R. NAYAK, CJ

WRIT PETITION NO.5713 OF 2005

Petitioner: Ku. Neeta Lodhi, aged 30 years, Daughter of Shri Mangal Prasad, Ex-Mayor, Municipal Corporation, Bhilai, Tahsil & District: Durg (C.G.)

VERSUS

Respondents:

1. The State Government of C.G. Through the Secretary, Paryavaran and Urban Development Ministry, D.K.S. Bhawan, Raipur (C.G.)
2. Municipal Corporation, Bhilai, Through The Commissioner, Municipal Corporation, Bhilai, Tahsil & District: Durg (C.G.)
3. The Commissioner, Municipal Corporation, Bhilai, Tahsil & District: Durg (C.G.)

Present:

Mr. Ajay Shrivastava, learned counsel for the petitioner.

Mr. Yashwant Singh Thakur, learned Govt. Advocate took notice for the State/ respondent No.1.

Miss Sangeeta Mishra, Advocate assisting Mr. H.B. Agrawal, Senior Advocate took notice for respondents No.2 & 3.

ORDER

(Passed on 22nd of November 2005)

Rule nisi.

2. Since the impugned order suffers from an error apparent on its face, the writ petition was finally heard with the consent of learned counsel for the parties.

3. The impugned order has undeniably civil consequences. Such an order ought not to have been passed by the third respondent without giving an opportunity to the petitioner. Affected should be apprised is a constitutional creed flowing from Article 14 of the Constitution of India and insisted by principles of natural justice. There is a flagrant violation of the said rule. Only on that count, the impugned order cannot be sustained.

4. The writ petition is allowed. The impugned orders Annexures P-1 & P-2 both dated 12-8-2005 are quashed. However, this order shall not come in the way of respondents No.2 & 3 taking fresh steps in accordance with law and principles of natural justice against the petitioner. No costs.

Sd/-
Chief Justice

Subby
Brajesh